



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,967	11/26/2003	Joseph G. Laura	IDF 2584 (4000-16100)	9521
28003	7590	01/10/2008	EXAMINER	
SPRINT				WANG, BEN C
6391 SPRINT PARKWAY			ART UNIT	PAPER NUMBER
KSOPHT0101-Z2100				2192
OVERLAND PARK, KS 66251-2100				
			MAIL DATE	DELIVERY MODE
			01/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary	Application No.	Applicant(s)	
	10/723,967	LAURA, JOSEPH G.	
	Examiner	Art Unit	
	Ben C. Wang	2192	

All participants (applicant, applicant's representative, PTO personnel):

(1) Brian Genco (Reg. No. 58,096).

(3) _____.

(2) Ben C. Wang.

(4) _____.

Date of Interview: 07 November 2007.

Type: a) Telephonic b) Video Conference
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.

If Yes, brief description: _____.

Claim(s) discussed: 1, 12, and 21.

Identification of prior art discussed: Sridharan, Tao, and Huang.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

* The Parties briefly discussed rejections under 35 U.S.C. 101, 112, second paragraph, and 103(a) regarding the Office Action dated August 23, 2007

* The examiner will reconsider the case upon receiving further amendment response from the applicant.

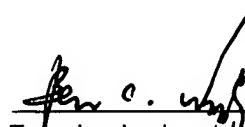
(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



ERIC B. KISS
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



Ben C. Wang
Examiner's signature, if required

FAX TRANSMITTAL COVER SHEET

**CONLEY ROSE, P.C.
5601 Granite Parkway, Suite 750
Plano, Texas 75024-6616
Fax Number: (972) 731-2289
Telephone Number: (972) 731-2288**

PLEASE DELIVER THE FOLLOWING PAGES IMMEDIATELY TO:

NAME:: Examiner Ben Wang , Group Art Unit 2192
U.S. Patent and Trademark Office

FAX: 571 270 2240

FROM: Brian Genco

DATE: October 30, 2007

RE: U.S. Patent Application No. 10/723,967
Applicant Initiated Interview Request Form (1 page)
Interview Request Attachment (15 pages)

REMARKS:

Total Number of Pages (Including This One): 17
OUR CLIENT/MATTER NO.: 4000-16100

YOUR REFERENCE NO.: Patent Application No. 10/723,967

**IF YOU DO NOT RECEIVE ALL THE PAGES,
PLEASE CALL 972-731-2288 AS SOON AS POSSIBLE**

This facsimile and the information it contains is intended to be a confidential communication only to the person or entity to whom it is addressed. If you have received this facsimile in error, please notify us by telephone at the above telephone number and return the original to this office by mail.

Applicant Initiated Interview Request Form

Application No.: 10/723,967 First Named Applicant: Joseph G. Laura
 Examiner: Ben C. Wang Art Unit: 2192 Status of Application: Non-Final

Tentative Participants:

(1) Ben C. Wang (2) Brian Genco
 (3) _____ (4) _____

Proposed Date of Interview: TBD Proposed Time: TBD (AM/PM)

Type of Interview Requested:

(1) Telephonic (2) Personal (3) Video Conference

Exhibit To Be Shown or Demonstrated: || YES [✓] NO
 If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art Appeal Art	Discussed	Agreed	Not Agreed
(1) <u>Rej.</u>	<u>1,12,216</u>	<u>Apnea Art</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

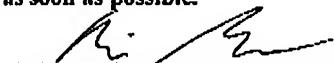
Continuation Sheet Attached

Brief Description of Arguments to be Presented:

See Attached.

An interview was conducted on the above-identified application on _____.
NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.



 Applicant/Applicant's Representative Signature

 Examiner/SPE Signature

Brian Genco

Typed/Printed Name of Applicant or Representative

58,096

Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

*Atty Docket: IDF 2584 (4000-16100)**Patent***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Joseph G. Laura	§	
		§	Group Art Unit: 2192
Serial No.:	10/723,967	§	
		§	Examiner: Wang, Ben C.
Filed:	November 26, 2003	§	
		§	Confirmation No. 9521
For:	APPLICATION MONITOR SYSTEM AND METHOD	§	
		§	
		§	

INTERVIEW REQUEST AND PROPOSED AMENDMENT – NOT FOR ENTRY

In response to the Office Action dated August 23, 2007, Applicant respectfully requests the following issues be considered for discussion in the telephone interview scheduled for TBD. Applicants respectfully submit that these issues are not to be entered as a response to the Office Action dated July 26, 2007. Furthermore, Applicants respectfully submit that such issues are non-binding and do not create any estoppel until such time as agreement is reached with the Examiner regarding same and formal amendments and/or remarks are presented and entered.

Atty Docket: IDF 2584 (4000-16100)

Patent

Listing of the Proposed Claims:

1. (Previously Presented) A system for non-intrusively monitoring an application, comprising:
 - a first module stored on a computer-readable medium that attaches to a memory area that is used by an application during real-time operation, the first module reads application values from the memory area that have been stored in the memory area by the application during real-time operation;
 - a second module stored on a computer-readable medium in communication with the first module that requests the first module to read the application values, the second module receives the application values from the first module; and
 - a third module stored on a computer-readable medium in communication with the second module that displays the application values.
2. (Original) The system of Claim 1, wherein the memory area is further defined as a shared memory of the application.
3. (Original) The system of Claim 1, wherein the first module is further operable to attach to the memory area used by the application to read the application values.
4. (Original) The system of Claim 1, wherein the application values are further defined as at least one application variable and a value for the application variable.
5. (Original) The system of Claim 1, wherein the first module is further operable to communicate the application values to the second module in hypertext markup language format.

*Atty Docket: IDF 2584 (4000-16100)**Patent*

6. (Original) The system of Claim 1, wherein the third module is further defined as a graphical user interface.

7. (Original) The system of Claim 6, wherein the graphical user interface is further operable to receive an input identifying the application values to be read and operable to request the application values identified to the first module, via the second module, and wherein the first module is operable to read the requested application values data from the memory area and return the application variables to the graphical user interface, via the second module.

8. (Original) The system of Claim 6, wherein the graphical user interface is further operable to receive an input identifying requested application values to be displayed.

9. (Original) The system of Claim 1, wherein the first module is further operable as a socket server and wherein the second module is further operable as a socket client such that the first and second modules communicate via a socket connection.

10. (Original) The system of Claim 1, wherein the first module operable to read application values stored in the memory area by the application while the application is running.

11. (Original) The system of Claim 10, wherein first module operable to read application values stored in the memory area by the application without interfering with the operation of the application.

Atty Docket: IDF 2584 (4000-16100)

Patent

12. (Previously Presented) A method of non-intrusively monitoring operation of an application, comprising:

running an application in a real-time manner;

generating, by the application, application values during operation of the application;

storing, by the application, the application values in a memory area during the operation of the application;

reading, by a monitor, the memory area used by the application to obtain the application values, wherein at least one of the application values is not output by the application;

and

displaying the application values read from the memory area.

13. (Previously Presented) The method of Claim 12, further comprising:

requesting, by a client, application values from the monitor; and

communicating the application variables from the monitor to the client.

14. (Previously Presented) The method of Claim 13, further comprising:

requesting application values;

running a plurality of applications in a real-time manner;

generating application values stored in one or more memory areas during operation of the plurality of applications;

reading the one or more memory areas used by the plurality of applications to obtain the application values; and

*Atty Docket: IDF 2584 (4000-16100)**Patent*

displaying the requested application values.

15. (Original) The method of Claim 14, wherein the memory area is further defined as a block of shared memory and wherein the monitor reads the at least some of the application variables stored in the block of shared memory

16. (Original) The method of Claim 13, further comprising providing memory manager and wherein the monitor registers with the memory manager to obtain a location of the memory area used by the application to store the application values.

17. (Original) The method of Claim 13, further comprising:

generating new application values by the application stored in the memory area, at least one of the new application values defined as a new value for a variable of the application;
requesting, by the client, that the monitor re-read the application values stored in the memory area;

re-reading, by the monitor, the memory area to obtain the new application values.

18. (Original) The method of Claim 17, wherein the monitor reads the application values while the application is running

19. (Original) The method of Claim 13, wherein the monitor is operable as a socket server and wherein the client is operable as a socket client such that the communication between the monitor and client is via a socket connection.

*Atty Docket: IDF 2584 (4000-16100)**Patent*

20. (Original) The method of Claim 12, wherein the application values are further defined as a variable of the application and a value of the variable.

Atty Docket: IDF 2584 (4000-16100)

Patent

21. (Currently Amended) A system for non-intrusively monitoring variables during operation of an application, comprising:

a compile listing stored on a computer-readable medium having an address map with an offset ~~for at least one~~ associated with each of a plurality of variables of an application; and

a module stored on a computer-readable medium that reads the compile listing and obtains the offset of [[the]] at least one of the plurality of variables of the application, the module attaches to an address space used by the application during real-time operation to obtain a value for one or more of the plurality of variables during the real-time operation of the application using the offset.

22. (Currently Amended) The system of Claim 21, wherein the module is further operable to read the compile listing and convert at least one of the plurality of variables to the associated offset.

23. (Currently Amended) The system of Claim 21, wherein the module is further operable to search the compile listing and display [[a]]the plurality of variables of the application for selection by a user.

24. (Original) The system of Claim 23, wherein the module is responsive to selection by the user of one of the plurality of variables to obtain the value for the selected one of the plurality of variables using the offset to locate the value of the variable in the address space.

Atty Docket: IDF 2584 (4000-16100)

Patent

25. (Original) The system of Claim 24, wherein the module is further operable to display the selected one of the plurality of variables.

26. (Original) The system of Claim 21, wherein the address space is further defined as a memory space and wherein the module attaches, using a socket layer, to the memory space used by the application.

27. (Original) The system of Claim 26, wherein the module attaches, using the offset, to the memory space used by the application via an operating system service.

28. (Currently Amended) The system of Claim 21, wherein the monitor is further operable, using the compile listing, to query the address map for one or more of the plurality of variables of the application.

29. (Original) The system of Claim 21, wherein the module is further defined as a subtask of the operating system.

30. (Currently Amended) The system of Claim 21, wherein the module is further operable to attach to the memory space where the application is operating and overwrite the value for one or more of the plurality of variables using the offset.

Atty Docket: IDF 2584 (4000-16100)

Patent

31. (Currently Amended) The system of Claim 21, wherein the module comprises:
- a reader component operable to read the compile listing and further operable to convert [[the]] at least one of the plurality of variables of the application to the associated offset; and
- a search component receiving the associated offset of the at least one of the plurality of variables from the reader component, the search component operable to attach to the application and further operable to locate the value of the at least one of the plurality of variables using the offset.

32. (Currently Amended) The system of Claim 21, further comprising a display component operably coupled to the module to receive the value for the one or more of the plurality of variables, the display component operable to display the value.

33. (Original) The system of Claim 32, wherein the display component is operable to employ the value to display a heartbeat.

34. (Original) The system of Claim 32, wherein the display component is operable to employ the value to display as a percentage complete.

Atty Docket: IDF 2584 (4000-16100)

Patent

35. (Previously Presented) A system for non-intrusively monitoring COBOL application values, the system comprising:

a memory area;

a COBOL program stored on a computer-readable medium that generates program values and stores the program values in the memory area during real-time operation of the COBOL program; and

a COBOL monitor module stored on a computer-readable medium that shares the memory area with the COBOL program and reads the program values stored in the memory area by the COBOL program during real-time operation of the COBOL program.

36. (Original) The system of Claim 35, further comprising:

a second COBOL program operable to generate second program values and store the program values in the memory area during real-time operation of the second COBOL program, and wherein the COBOL monitor module is further operable to read the second program values stored in the memory area by the second COBOL program.

37. (Original) The system of Claim 35, further comprising:

a second memory area; and

a second COBOL program operable to generate second program values and store the program values in the second memory area during real-time operation of the second COBOL program, and wherein the COBOL monitor module is further operable to read the second program values stored in the second memory area by the second COBOL program.

*Atty Docket: IDF 2584 (4000-16100)**Patent*

38. (Original) The system of Claim 35, further comprising:

a user interface operable to monitor and display the application values; and
a client application in communication with the user interface and the COBOL monitor module, the client application operable to request the program variables of the COBOL program from the COBOL monitor module and provide the program variables to the user interface for display via the user interface responsive to a request from the user interface.

*Atty Docket: IDF 2584 (4000-16100)**Patent***Summary of Rejections**

Claims 21-34 were rejected under 35 USC 101.

Claims 21-34 were rejected under 35 USC 112, second paragraph.

Claims 1-4, 5, 6-11, 12-14, 15, 16, 17-20, 21-31, 32-34, 35-38 were rejected under 35 USC 103(a).

Interview Agenda

- Discuss rejections under 35 U.S.C. 101
 - Claims 21-34 were rejected under 35 U.S.C. 101.
 - The disputed components of claims 21-34 are not computer listings per se. Rather, they are computer programs (or components of computer programs) stored on a computer readable medium.
 - Annex IV of the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility states, “When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.”
- Discuss rejections under 35 U.S.C. 112, second paragraph.
 - The claimed components do perform an “act”.
- Discuss the Rejections under 35 U.S.C. 103(a)

*Atty Docket: IDF 2584 (4000-16100)**Patent***Regarding Claims 1, 12, 21, and 35:**

- Sridharan obtains performance statistics and does not read application values, let alone application values that were stored in the memory by the application during real-time operation.
- Tao discloses to rationally distribute data among processors in a distributed shared memory (DMS) system.
 - Tao discloses that the improvement of data locality can be made by a programmer, "before execution, i.e., the data is already placed in an appropriate processor at allocation time" (first paragraph of section IV on page 5).
 - Tao discloses, "In the case when the programmer is responsible for the locality optimization a visualizer is needed to show the monitoring information to the programmer vividly" (second paragraph of section IV on page 5).
 - Tao discloses, "A mechanism for mapping each memory location observed by the monitoring system to its corresponding program data structure identifier (procedure and variable names) is being implemented as well" (fifth paragraph of section IV on page 5).
 - Tao discloses displaying procedure and variable names prior to execution.
 - Tao does not disclose displaying application values read from memory during real-time operation.

*Atty Docket: IDF 2584 (4000-16100)**Patent***Regarding Claim 21:**

- Huang discloses, "When an object is mapped, it can be read or written by simply reading or writing an address location within the address space corresponding to the offset of the byte in the object" (section 3.2).
 - Huang does not disclose an address map with an offset associated with each of a plurality of variables of an application.
 - Disclosure in section 4.3 of Huang of an AcquireLock call does not provide an address map with an offset associated with each of a plurality of variables of an application.
 - Only discloses an object can be requested to have a read lock or a write lock.

Regarding Claim 35:

- As disclosed in paragraph 0026 of the pending specification, COBOL does not provide native support for shared memories. Therefore, the general disclosure of the existence of COBOL programs in Kashima does not disclose "a COBOL monitor module ... that shares the memory area with the COBOL program".

Atty Docket: IDF 2584 (4000-16100)

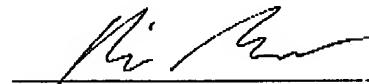
Patent

CONCLUSION

If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2286.

Respectfully submitted,

Date: October 30, 2007



Brian Genco
Reg. No. 58,096
for
Michael W. Piper
Reg. No. 39,800

CONLEY ROSE, P.C.
5700 Granite Parkway, Suite 330
Plano, Texas 75024
(972) 731-2288
(972) 731-2289 (facsimile)

ATTORNEY FOR APPLICANT